

R e m a r k s

Claims 1-21 are pending in the application.

Claims 1 and 6 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 13 of U.S. Patent No. 7,305,623 (hereinafter '623).

Claims 1-2, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Despotidis et al. (hereinafter Despotidis) U.S. Patent No. 7,305,623 issued December 4, 2007 and filed December 3, 2001.

Claims 3-4, 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Despotidis in view of Mayo (hereinafter Mayo) U.S. Patent No. 5,751,965 issued May 12, 1998.

Claims 1-9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Subramanian et al. (hereinafter Subramanian) U.S. Patent No. 7,124,368 issued October 17, 2006 and filed November 7, 2001.

Claims 10-11, 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanian in view of Mayo.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Double Patenting Rejection

Claims 1 and 6 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 13 of '623.

Since a double patenting rejection depends on the claims of the application, until applicants have claims that are allowable but for the double patenting rejection, Applicants cannot evaluate the correctness of any suggested double patenting rejection. As such, Applicants also cannot determine any arguments that might be put forth against the suggested double patenting rejection. Therefore, as this double patenting rejection is premature, Applicants will address such a ground of rejection once all other grounds of rejection are overcome.

Rejection Under 35 U.S.C. 102

Claims 1-2, 5-8

Claims 1-2, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Despotidis. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. Despotidis fails to disclose each and every element of Applicants' claim 1, as arranged in the claim.

Specifically, Despotidis fails to teach or suggest at least the limitation of "graphically representing the status of cross-connection links within said network elements as respective icons displayed on said respective network element objects," as claimed in Applicants' claim 1.

Rather, Despotidis describes graphic representation of communication links between network elements. The graphical representation of communication links between network elements, as disclosed in Despotidis, does not teach or suggest graphically representing status of cross-connection links within network elements, as claimed in Applicants' claim 1.

In the Office Action, the Examiner asserts that a specific portion of Despotidis (namely, Col. 4, Lines 25 – 67) discloses Applicants' limitation of graphically

representing the status of cross-connection links within network elements as icons displayed on the respective network element objects. Applicants respectfully disagree.

The cited portion of Despotidis does not teach or suggest graphically representing status of cross-connection links within network elements, as claimed in Applicants' claim 1. Rather, the cited portion of Despotidis describes the manner in which a user selects spare channels of a communication link between network elements in order to provision a communication path between a start-node and an end-node. The cited portion of Despotidis is devoid of any teaching or suggestion of representing the status of cross-connection links within said network elements, much less representing the status of cross-connection links within the network elements as an icon displayed on each of the linked network element objects, as claimed in Applicants' claim 1.

As such, the independent claim 1 is not anticipated by Despotidis, and thus claim 1 is patentable under 35 U.S.C. 102(e). Independent claim 6 recites relevant limitations similar to those recited in independent claim 1 and, as such, for at least the same reasons discussed above, independent claim 6 also is not anticipated by Despotidis and is patentable under 35 U.S.C. 102(e). Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also patentable over Despotidis.

Accordingly, claims 1-2 and 5-8 are patentable under 35 U.S.C. 102(e) over Despotidis. Therefore, the rejection should be withdrawn.

Claims 1-9, 12

Claims 1-9, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Subramanian. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. Subramanian fails to disclose each and every element of Applicants' claim 1, as arranged in the claim.

Specifically, Subramanian fails to teach or suggest at least the limitation of "graphically representing the status of cross-connection links within said network

elements as respective icons displayed on said respective network element objects,” as claimed in Applicants’ claim 1.

Rather, Subramanian merely discloses display of a channel map table having cells that show status information for channels within a node. Subramanian is devoid of any teaching or suggestion of graphically representing a plurality of network elements within a network as a plurality of network element objects where status of cross-connection links within each of the respective network elements is displayed graphically as respective icons that are displayed on each of the respective network element objects, as claimed in Applicants’ claim 1.

With respect to Figures 10 and 11 of Subramanian, Applicants note that each of the Figures 10 and 11 of Subramanian shows a channel map table, not a plurality of network element objects where, for each of the network element objects, an icon is displayed on the network element object to show status of cross-connection links within the network element represented by that network element object.

With respect to Figure 12 of Subramanian, Applicants note that the nodes 301, 302, and 303 associated with columns 1202, 1204, and 1206 of the channel map table displayed in Figure 12 of Subramanian are not network element objects. Rather, nodes 301, 302, and 303 associated with columns 1202, 1204, and 1206 of the channel map table displayed in Figure 12 of Subramanian are merely columns headings of the channel map table displayed in Figure 12 of Subramanian.

With respect to Figure 12 of Subramanian, Applicants further note that even assuming that column headings 1202 (node 301), 1204 (node 302), and 1206 (node 303) depicted in Figure 12 of Subramanian could be interpreted as network element objects (which Applicants maintain that they cannot), Subramanian would still fail to teach or suggest status icons being graphically displayed on the network element objects, as claimed in Applicants’ claim 1. Rather, as disclosed in Subramanian, the channel status lines are displayed in cells of the table below the column headings 1202, 1204, and 1206, not one of the column headings 1202, 1204, and 1206.

Thus, Subramanian fails to teach or suggest at least the limitation of “graphically representing the status of cross-connection links within said network elements as respective icons displayed on said respective network element objects,” as claimed in

Applicants' claim 1, and, as such, fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1.

As such, the independent claim 1 is not anticipated by Subramanian, and thus claim 1 is patentable under 35 U.S.C. 102(e). Independent claim 6 recites relevant limitations similar to those recited in independent claim 1 and, as such, for at least the same reasons discussed above, independent claim 6 also is not anticipated by Subramanian and is patentable under 35 U.S.C. 102(e). Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also patentable over Subramanian.

Accordingly, claims 1-2 and 5-8 are patentable under 35 U.S.C. 102(e) over Subramanian. Therefore, the rejection should be withdrawn.

Rejection Under 35 U.S.C. 103

Claims 3-4 and 9-21

Claims 3-4, 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Despotidis in view of Mayo. The rejection is traversed.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. 102 given Despotidis. Since the rejection of independent claims 1 and 6 under 35 U.S.C. 102 given Despotidis has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Mayo supplies that which is missing from Despotidis to render claims 1 and 6 anticipated, this ground of rejection cannot be maintained.

Therefore, the rejection should be withdrawn.

Claims 10-11, 14-21

Claims 10-11, 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanian in view of Mayo. The rejection is traversed.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. 102 given . Since the rejection of independent claims 1 and 6 under 35 U.S.C. 102 given Subramanian has been overcome, as described

hereinabove, and there is no argument put forth by the Office Action that Mayo supplies that which is missing from Subramanian to render claims 1 and 6 anticipated, this ground of rejection cannot be maintained.

Therefore, the rejection should be withdrawn.


Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 5/15/08



Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808